



General Assembly

Amendment

January Session, 2025

LCO No. 9720



Offered by:
REP. GILCHREST, 18th Dist.

To: Subst. House Bill No. 7026

File No. 151

Cal. No. 125

**"AN ACT CONCERNING EXCEPTIONS TO THE NURSING HOME
BED MORATORIUM."**

1 Strike section 2 in its entirety and insert the following in lieu thereof:

2 "Sec. 2. Section 17b-355 of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective from passage*):

4 (a) In determining whether a request submitted pursuant to sections
5 17b-352 to 17b-354, inclusive, as amended by this act, will be granted,
6 modified or denied, the Commissioner of Social Services shall consider
7 the following: (1) The financial feasibility of the request and its impact
8 on the applicant's rates and financial condition, (2) the contribution of
9 the request to the quality, accessibility and cost-effectiveness of the
10 delivery of long-term care in the region, including consideration of the
11 nursing home's star rating on the five-star quality rating system for
12 nursing homes published by the Centers for Medicare and Medicaid
13 Services, (3) whether there is clear public need for the request, (4) the
14 relationship of any proposed change to the applicant's current
15 utilization statistics and the effect of the proposal on the utilization

16 statistics of other facilities in the applicant's service area, (5) the business
17 interests of all owners, partners, associates, incorporators, directors,
18 sponsors, stockholders and operators and the personal background of
19 such persons, and (6) any other factor which the Department of Social
20 Services deems relevant. In considering whether there is clear public
21 need for any request for the relocation of beds to a replacement facility,
22 or for new beds added to an existing facility or a new facility, the
23 commissioner shall consider whether there is a demonstrated bed need
24 in the towns within a fifteen-mile radius of the town in which the beds
25 are proposed to be located and whether the availability of beds in the
26 applicant's service area will be adversely affected.

27 (b) Any proposal to relocate nursing home beds from an existing
28 facility to a new facility shall not increase the number of Medicaid
29 certified beds and shall result in the closure of at least one currently
30 licensed facility. The commissioner may request that any applicant
31 seeking to replace an existing facility reduce the number of beds in the
32 new facility by a percentage that is consistent with the department's
33 strategic state-wide long-term rebalancing plan for long-term care. If an
34 applicant seeking to replace an existing facility with a new facility owns
35 or operates more than one nursing facility, the commissioner may
36 request that the applicant close two or more facilities before approving
37 the proposal to build a new facility. The commissioner shall also
38 consider whether an application to establish a new or replacement
39 nursing facility proposes a nontraditional, small-house style nursing
40 facility and incorporates goals for nursing facilities referenced in the
41 department's strategic state-wide long-term rebalancing plan for long-
42 term care, including, but not limited to, (1) promoting person-centered
43 care, (2) providing enhanced quality of care, (3) creating community
44 space for all nursing facility residents, and (4) developing stronger
45 connections between the nursing facility residents and the surrounding
46 community.

47 [Bed] (c) Demonstrated bed need shall be based on the recent
48 occupancy percentage of area nursing facilities [and the] with

49 occupancy above ninety-six per cent for a minimum of two consecutive
50 quarters. The department may consider projected bed need [for no more
51 than five years] into the future at [ninety-seven and one-half per cent]
52 occupancy above ninety-six per cent using the latest [official population
53 projections by town and age as published by the Office of Policy and
54 Management and the latest available state-wide nursing facility
55 utilization statistics by age cohort from the Department of Public
56 Health] strategic state-wide long-term rebalancing plan for long-term
57 care as published by the department. The commissioner may also
58 consider area specific utilization and reductions in utilization rates to
59 account for the increased use of less institutional alternatives."